

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RUSSEL RUTLEDGE,

Plaintiff,

v.

No. 2:20-cv-452-KWR-KRS

CITY OF CARLSBAD, et al.,

Defendants.

ORDER OF DISMISSAL

THIS MATTER is before the Court on the Court's Order to Show Cause, (Doc. 28), filed February 26, 2021. The Order to Show Cause was issued because Plaintiff failed to appear at a scheduled status conference and failed to respond to the Court's order to either obtain counsel or notify the Court that he intends to proceed *pro se*. Plaintiff was ordered to show cause why this case should not be dismissed for Plaintiff's failure to comply with the Court's orders or to prosecute his case. The Court explained that failure to respond to the Order to Show Cause may result in dismissal of Plaintiff's claims without prejudice and without further notice. Plaintiff has not responded to the Order to Show Cause or requested an extension of time to do so.

As explained in the Order to Show Cause, the Court may impose sanctions for Plaintiff's failure to prosecute his case and failure to comply with Court orders based on the Court's inherent power to regulate its docket and promote judicial efficiency. *See Olsen v. Mapes*, 333 F.3d 1199, 1204 (10th Cir. 2003); *Martinez v. IRS*, 744 F.2d 71, 73 (10th Cir. 1984). One such sanction within the discretion of the Court is to dismiss an action for want of prosecution. *See, e.g., Link v. Wabash R.R. Co.*, 370 U.S. 626, 628-30 (1962); *United States ex rel. Jimenez v.*

Health Net, Inc., 400 F.3d 853, 856 (10th Cir. 2005). Additionally, Rule 41(b) of the Federal Rules of Civil Procedure authorizes the Court to dismiss an action *sua sponte* for failure to prosecute.

Due to Plaintiff's failure to appear at a hearing, and his failure to respond to the Court's Order to Notify and Order to Show Cause, the Court will dismiss this case without prejudice for failure to prosecute.

IT IS THEREFORE ORDERED that this case is **DISMISSED WITHOUT PREJUDICE**. The Court will enter a separate judgment closing the case.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE